

Release  
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## **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF AUGUST 24, 1998**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#98-116 City of Barstow v. Mojave Water Agency, S071728. (E017881, E018923, E018023, E018681; 64 Cal.App.4th 737.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in an action to adjudicate water rights. This case concerns the proper method for adjudicating water rights in an overdrafted basin when a “physical solution,” stipulated to by many users, is claimed to undervalue riparian and overlying water rights of other users.

#98-117 Chen v. Franchise Tax Bd., S072002. (B113296; 64 Cal.App.4th 1335.) Petition for review after the Court of Appeal affirmed the judgment in an action for refund of taxes. This case presents an issue, concerning whether a taxpayer must pay accrued interest in addition to the amount of a challenged tax before bringing an action for refund, which is related to an issue before the court in Agnew v. State Bd. of Equalization, S063339. (See #97-145.)

#98-118 People v. Robey, S071279. (B099630.) Unpublished opinion. Petition for review after the Court of Appeal affirmed in part and reversed in part a

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judgment of conviction of criminal offenses. This case presents issues, concerning removal of a juror believed to be unwilling to follow the law, which is related to issues before the court in People v. Williams, S066106 (#98-21), and People v. Metters, S069442 (#98-70).

#98-119 People v. Felix, S071278. (B115815.) Unpublished opinion. Petition for review after the Court of Appeal modified and affirmed a judgment of conviction of criminal offenses. This case concerns whether the 1/3 term limitation of Penal Code section 1170.1(a) applies to enhancements for firearm use imposed on consecutive life sentences for attempted premeditated murder.

#98-120 People v. Hudson, S071558. (E020905.) Unpublished opinion. Petition for review after the Court of Appeal reversed an order dismissing a criminal prosecution. This case presents an issue, concerning whether the federal constitutional speedy trial right is triggered by the filing of a felony complaint, which is related to an issue before the court in People v. Martinez, S064558. (See #97-182.)

#98-121 Norgart v. Upjohn Co., S071633. (A076401; 64 Cal.App.4th 192.) Petition for review after the Court of Appeal reversed a summary judgment in a civil action. This case concerns whether the statute of limitations for a products liability claim commences when the plaintiff has knowledge of the injury and possible medical malpractice when the product defect is unsuspected and is seemingly unrelated to the alleged malpractice.

## **DISPOSITIONS**

#97-187 People v. Horejes, S064811, was dismissed and remanded to the Court of Appeal.

#98-84 People v. Buchholz, S070035, was transferred to the Court of Appeal for reconsideration in light of People v. Flood, 18 Cal.4th 470.